

1 UNITED STATES DISTRICT COURT

2 DISTRICT OF NEVADA

3 * * *

4 ERIC LEON CHRISTIAN,

Case No. 2:19-cv-00364-RFB-EJY

5 Plaintiff,

6 **REPORT AND RECOMMENDATION**

v.

7 CHRISTOPHER HOYE, et al.,

8 Defendants.

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10 Pending before the Court is Plaintiff's Writ of Execution. ECF No. 29. This case was closed
11 on January 7, 2021 (more than two years ago) after the District Judge accepted and adopted in full a
12 report and recommendation to dismiss the case with prejudice. ECF Nos. 21, 24, 25. The instant
13 Motion is therefore a fugitive document. Further, the Court notes there is no judgment in this case
14 upon which a writ of execution is based. For these reasons, Plaintiff's Writ o Execution should be
15 denied. Again, Plaintiff is advised he may, if he so chooses, commence a new matter by filing a
16 complete *in forma pauperis* application and complaint.

17 Accordingly, IT IS HEREBY RECOMMENDED that Plaintiff's Writ of Execution (ECF
18 No. 29) be DENIED.

19 Dated this 24th day of March, 2023.

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21 ELAYNA J. YOUCAH
22 UNITED STATES MAGISTRATE JUDGE

23 **NOTICE**

24 Pursuant to Local Rule IB 3-2, any objection to this Finding and Recommendation must be
25 in writing and filed with the Clerk of the Court within fourteen (14) days. The Supreme Court has
26 held that the courts of appeal may determine that an appeal has been waived due to the failure to file
27 objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985). This circuit has also
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1 held that (1) failure to file objections within the specified time and (2) failure to properly address
2 and brief the objectionable issues waives the right to appeal the District Court's order and/or appeal
3 factual issues from the order of the District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir.
4 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).

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